

## Storm Water Protection for Encroachment Permit Projects

Encroachment permits are issued by Caltrans to other agencies or parties that perform construction activities within its right-of-way. Typical projects performed by other agencies or parties that require encroachment permits include highway improvement construction and utility work.

Under an encroachment permit, Caltrans requires the agency or party to implement an appropriate storm water protection program. Caltrans retains ultimate responsibility for ensuring that the portion of the project within the Caltrans right-of-way is in compliance with federal, state, and local storm water protection regulations.

### ***Oversight Responsibility***

Caltrans encroachment permit inspectors are usually responsible for the enforcement of permit requirements. However, Construction personnel may be assigned oversight responsibilities for larger construction projects. This bulletin reviews the key oversight elements for ensuring that permittees on larger projects meet storm water protection obligations under their encroachment permits.



Oversight inspection of permittee projects within the Caltrans right-of-way will ensure that the BMPs are properly installed and maintained.

The permittee's project Resident Engineer (RE) is responsible for inspection, documentation, and enforcement of storm water requirements at the project level. The following documents define Caltrans storm water protection requirements:

- Standard Specifications
- Standard Special Provisions
- Caltrans Storm Water Quality Handbooks, Construction Contractor's Guide and Specifications, April 1997
- Caltrans Storm Water Quality Handbooks, Construction Staff Guide, April 1997

The permittee project RE and Caltrans personnel responsible for permit oversight should be familiar with the requirements and procedures described in these publications.

### ***Storm Water Planning Requirements***

The permittee is required to develop a Storm Water Pollution Prevention Plan (SWPPP) if the project disturbs five or more acres of soil, regardless of what percentage of the project is located in Caltrans right-of-way. A Water Pollution Control Program (WPCP) is required if less than five acres of soil are to be disturbed on the project.

Caltrans oversight personnel review and approve SWPPPs and WPCPs before construction can begin. The Caltrans oversight personnel should provide guidance to ensure that the permittee develops a storm water plan that is appropriate for the project, though the oversight RE is responsible for only those areas that are located in the Caltrans right-of-way. The Caltrans Storm Water Handbooks contain straightforward instructions for Storm Water Protection for Encroachment Permit Projects

Oversight inspection of permittee projects within the Caltrans right-of-way will ensure that the BMPs are properly installed and maintained. developing a SWPPP or WPCP. In addition, Caltrans has model SWPPPs and WPCPs available for reference.

The SWPPP or WPCP must identify the minimum best management practices (BMPs) to be used, and an inspection and maintenance program for the selected BMPs.

### ***Monitoring and Enforcement***

Caltrans oversight personnel should include the following as part of their permit oversight activity in the Caltrans right-of-way areas:

- Assure that the area of soil disturbance does not exceed the amount specified in the project special provisions for the winter season.
- Determine if the BMPs identified in the SWPPP or WPCP have been implemented.

- Verify that BMP inspection and maintenance is being performed as specified in the SWPPP/WPCP. The project RE should maintain documentation of all such maintenance and inspection activity.
- Visit the construction site regularly, especially before, during and after rain events, to ensure proper implementation of the BMPs.
- Notify the project RE if potential storm water pollution conditions are observed.
- Ensure that all applicable requirements of the General Construction Permit and potential compliance issues are addressed.

### ***Inactive Project Requirements***

On projects where work has been suspended for the winter season, the site must still be in compliance with storm water protection requirements. All required erosion and sediment control measures must be in place and maintained by the contractor. The contractor must inspect the site every two weeks. If the contractor is not on site for some reason, the project RE must inspect the site.

